

## Message Text

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C O N F I D E N T I A L STATE 135342

E.O. 11652: GDS

TAGS: SHUM, SA

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 133681

1. DRAFT HRCEP FOLLOWS. APPRECIATE YOUR REVIEW AND COMMENTS BY OPENING OF BUSINESS MONDAY.
2. BEGIN TEXT: HUMAN RIGHTS EVALUATION PLAN FOR SAUDI ARABIA.

THE SAUDI LEGAL STRUCTURE IS BASED ON ISLAMIC LAW, FOUND IN THE KORAN AND THE SUNNA, OR TRADITIONAL PRONOUNCEMENTS ASCRIBED TO MUHAMMAD. THESE TWO SOURCES OF LAW SERVE AS THE "CONSTITUTION" OF THE COUNTRY. THIS BODY OF LAW IS ACCEPTED AS DIVINELY INSPIRED AND MAY NOT BE ADDED TO OR AMENDED. SINCE THE BODY OF ISLAMIC LAW DOES NOT COVER  
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MANY MODERN DAY CONCERNS, IT IS SUPPLEMENTED BY A COLLECTION OF ADMINISTRATIVE REGULATIONS PROMULGATED BY THE KING AS ROYAL DECREES, ACTING ON RECOMMENDATIONS OF THE COUNCIL OF MINISTERS, OR CABINET. ISLAMIC LAW IS ADMINISTERED BY RELIGIOUS JUDGES THROUGH A SYSTEM OF COURTS UNDER THE ADMINISTRATIVE SUPERVISION OF THE MINISTRY OF JUSTICE. ROYAL DECREES ARE ADMINISTERED THROUGH A SERIES OF ADMIN-

ISTRATIVE COMMITTEES ATTACHED TO VARIOUS MINISTRIES, TO WHICH ONE MAY TURN IN THE EVENT OF A DISPUTE. THE KING IS

THE ULTIMATE ARBITER OF DISPUTES FROM EITHER CHANNEL, HENCE THE FINAL COURT OF APPEAL. THE EXERCISE OF HIS POWER IS CIRCUMSCRIBED BY THE TRADITIONS AND NORMS EMBODIED IN ISLAMIC LAW.

A. CONDITION OF HUMAN RIGHTS IN SAUDI ARABIA

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE: TORTURE IS NOT OFFICIALLY SANCTIONED OR PRACTICED IN SAUDI ARABIA.

B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT: ISLAMIC LAW SANCTIONS THE CONTINUING PRACTICE OF SEVERING THE HAND OF CONVICTED THIEVES. ITS FREQUENCY HAS BEEN EXAGGERATED BY THE WESTERN PRESS, WHICH GENERALLY FAILS TO NOTE THAT THIS MEASURE IS RESORTED TO ONLY WHERE THE OFFENDER HAS A CLEARLY ESTABLISHED RECORD OF RECIDIVISM. SUCH PUNISHMENT IS NOT METED OUT TO FIRST OR SECOND OFFENDERS. CAPITAL PUNISHMENT BY PUBLIC BEHEADING IS PROVIDED FOR BY LAW FOR MURDER AND OTHER HEINOUS CRIMES.

C. ARBITRARY ARREST OR IMPRISONMENT: ARBITRARY ARREST AND DETENTION ARE NOT CONDONED OR PRACTICED BY THE GOVERNMENT. THERE IS NO SUBSTANTIATED EVIDENCE THAT INDIVIDUALS CONFIDENTIAL

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ARE PRESENTLY INCARCERATED IN SAUDI ARABIA FOR THEIR POLITICAL BELIEFS. EXILE IS NOT A SENTENCE IMPOSED BY THE GOVERNMENT, ALTHOUGH SOME INDIVIDUALS HAVE VOLUNTARILY EXILED THEMSELVES BECAUSE OF THEIR POLITICAL OR SOCIAL VIEWS. FOREIGNERS WHO BREAK THE LAW ARE FREQUENTLY BANISHED AND PROHIBITED RE-ENTRY INTO THE KINGDOM.

D. DENIAL OF FAIR PUBLIC TRIAL: ISLAMIC LAW IS APPLIED BY EDUCATED AND EXPERIENCED JUDGES. IT PROVIDES FOR A FAIR HEARING OF THE DEFENDANT'S CASE. THE DEFENDANT ENJOYS THE RIGHT OF APPEAL AND THE RIGHT TO LEGAL COUNSEL.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY: SAUDIS ARE GENERALLY FREE TO SAY WHATEVER THEY WISH; INDEED, CITIZENS ARE INVITED TO TAKE THEIR GRIEVANCES TO HIGHER AUTHORITY. THE PRESS IS NOT CENSORED PRIOR TO PUBLICATION BUT IT DOES KEEP WITHIN BOUNDS IT PRESUMES ARE ACCEPTABLE TO THE GOVERNMENT. THUS, CRITICISM OF POLICIES AND SENIOR OFFICIALS IN THE PRESS IS RARE, THOUGH THERE IS FREQUENT CRITICISM OF THE NEGATIVE EFFECTS OF DOMESTIC POLICIES, PARTICULARLY IN THE ECONOMIC SPHERE, AND THE PRESS OFTEN WRITES OF THE FAILURE OF MIDDLE-LEVEL OFFICIALS PROPERLY

TO DISCHARGE THEIR DUTIES. THE FOREIGN PRESS IS CENSORED PRIOR TO DISTRIBUTION IN ORDER TO EXCISE OFFENSIVE PICTURES AND STATEMENTS.

ISLAM IS THE ESTABLISHED RELIGION OF SAUDI ARABIA. OTHER RELIGIONS MAY BE PRACTICED PRIVATELY WITHOUT PERSECUTION BUT PUBLIC NON-MUSLIM WORSHIP SERVICES ARE NOT PERMITTED.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY; FOREIGN TRAVEL AND EMIGRATION POLICIES: SAUDIS ARE GENERALLY FREE TO MOVE ABOUT THE COUNTRY AND TRAVEL ABROAD. THERE ARE NO OBSTACLES TO EMIGRATION. WOMEN, HOWEVER, MUST OBTAIN CONFIDENTIAL

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THEIR HUSBAND'S OR FATHER'S PERMISSION TO TRAVEL ABROAD.

C. DEMOCRATIC PROCESSESS ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS: SAUDI ARABIA IS AN ISLAMIC MONARCHY WHOSE KING IS CHOSEN BY CONSENSUS OF THE SENIOR MEMBERS OF THE ROYAL FAMILY. THE KINGDOM HAS NO POLITICAL PARTIES AND NO ELECTED ASSEMBLY. THERE IS NO EVIDENT DOMESTIC OPPOSITION TO THE EXISTING REGIME. THE READY ACCESSIBILITY OF ALL OFFICIALS AND THE FACT THAT ANY CITIZEN MAY PRESENT A PETITION OR GRIEVANCE TO THE KING AT HIS WEEKLY PUBLIC AUDIENCE FUNCTION AS A STRONG GUARANTEE AGAINST THE ARBITRARY USE OF AUTHORITY AND PROVIDE PROTECTION FOR HUMAN RIGHTS.

### 3. RECENT TRENDS IN FULFILLING BASIC NEEDS

A. POLICIES DESIGNED TO RESPOND TO THE NEEDS OF THE POOR AND POLICIES WHICH TEND TO IGNORE THE NEEDS OF THE POOR: THE SAUDI GOVERNMENT IS USING ITS OIL REVENUES FOR THE BENEFIT OF THE POOR. FREE EDUCATION AND HEALTH CARE FACILITIES ARE BEING DEVELOPED AS RAPIDLY AS POSSIBLE. IF ADEQUATE MEDICAL CARE IS NOT AVAILABLE WITHIN THE KINGDOM, THE PATIENT AND ONE FAMILY ESCORT WILL BE FLOWN ABROAD AT GOVERNMENT EXPENSE. THE REAL ESTATE DEVELOPMENT FUND, WHICH PROVIDES INTEREST-FREE, 25-YEAR LOANS, HAS BEEN CREATED TO FINANCE THE ACQUISITION OF HOMES BY SAUDI CITIZENS. THE GOVERNMENT SUBSIDIZES BASIC FOOD STUFFS TO KEEP PRICES LOW.

B. CORRUPTION: THERE HAVE BEEN ALLEGATIONS OF CORRUPTION AND BRIBERY, BUT MOST HAVE NOT BEEN SUBSTANTIATED, ALTHOUGH THERE HAVE BEEN A FEW CASES IN WHICH GOVERNMENT OFFICIALS HAVE BEEN TRIED AND REMOVED FROM OFFICE. FOLLOWING UNFAVORABLE PUBLICITY IN THE FOREIGN PRESS IN 1975 THE GOVERNMENT FORBADE THE PAYMENT OF ANY KIND OF COMMISSION TO AGENTS OR MIDDLEMEN ON SALES OF ARMS, OR RELATED CONFIDENTIAL

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SERVICES AND EQUIPMENT.

#### 4. GOVERNMENT ATTITUDE

THE SAUDI GOVERNMENT SUPPORTS THE ADVOCACY OF HUMAN RIGHTS IN FOREIGN POLICY. THE GOVERNMENT IS ESPECIALLY NOTED FOR ITS OPPOSITION TO COMMUNIST REGIMES. IT IS PARTICULARLY CONCERNED ABOUT THE HUMAN RIGHTS OF PALESTINIANS IN THE TERRITORIES OCCUPIED BY ISRAEL.

#### B. ANALYSIS AND RECOMMENDATIONS

##### 1. U.S. OBJECTIVES AND COURSES OF ACTION

THE HUMAN RIGHTS RECORD OF SAUDI ARABIA IS GOOD. THERE IS NO QUESTION, HOWEVER, THAT THE STATUS OF WOMEN IS NOT WHAT IT IS IN THE WEST THOUGH SOCIAL CHANGES ARE UNDERWAY AND ACCELERATING. PUBLIC EDUCATION FOR WOMEN BEGAN 13 YEARS AGO AND INCREASING NUMBERS OF SAUDI WOMEN WHO HAVE STUDIED ABROAD ARE DEMANDING AND OBTAINING EMPLOYMENT IN PROFESSIONAL FIELDS OTHER THAN TEACHING AND SOCIAL WORK WHICH HAVE HERETOFORE BEEN THE ONLY PROFESSIONS OPEN TO THEM.

A DISTINCTION MUST BE MADE BETWEEN THE SOCIAL AND THE LEGAL STATUS OF WOMEN. LEGALLY, THE STATUS OF WOMEN IS INFERIOR TO THAT OF MEN. IN JUDICIAL PROCEEDINGS, THE TESTIMONY OF TWO WOMEN IS REQUIRED TO EQUAL THAT OF ONE MAN. IN CASES OF INHERITANCE, WOMEN RECEIVE ONE-HALF THE SHARE OF MEN. WOMEN MAY INITIATE DIVORCE PROCEEDINGS ONLY UNDER NARROWLY DEFINED CIRCUMSTANCES; MEN HAVE MUCH GREATER LATITUDE IN DIVORCE MATTERS. IN THESE EXAMPLES, THE STATUS OF WOMEN -- ACCORDING TO THE STRICT SAUDI INTERPRETATION OF ISLAMIC LAW -- HAS BEEN DETERMINED BY DIVINE REVELATION, AND IS NOT SUBJECT TO CHANGE SO LONG AS THE KORAN REMAINS THE FUNDAMENTAL LAW OF THE STATE. CONFIDENTIAL

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THE SOCIAL STATUS OF WOMEN IS, HOWEVER, CHANGING. BECAUSE THE RESTRICTIONS PLACED ON WOMEN ARE DEEPLY ROOTED IN SAUDI CULTURAL AND RELIGIOUS TRADITION, THEY ARE NOT SUSCEPTIBLE TO CHANGE IN RESPONSE TO CONFRONTATIONAL PRESSURES FROM OUTSIDE. THEY DO NOT STEM FROM A CONSCIOUS GOVERNMENT POLICY OF REPRESSION DESIGNED TO ACHIEVE POLITICAL GOALS. LIBERALIZED CONDITIONS FOR SAUDI WOMEN ARE MOST LIKELY TO COME ABOUT AS A RESULT OF INCREASING INTERNAL SAUDI PRESSURE FROM THE YOUNGER, WESTERN-EDUCATED GENERATION, STIMULATED BY THE FORCE OF EXAMPLE PROVIDED BY AMERICAN AND EUROPEAN WOMEN RESIDING IN THE KINGDOM. QUIET DIPLOMACY IS THE PROPER OFFICIAL MEANS FOR

ENCOURAGING THIS LIBERALIZATION. THE FOLLOWING ACTIONS MIGHT BE TAKEN WITHIN THE NEXT SIX MONTHS:

(A) UNDERTAKE A SPECIAL EFFORT TO IDENTIFY SAUDI WOMEN AS CANDIDATES FOR INTERNATIONAL VISITOR (IV) GRANTS TO THE U.S.; ENCOURAGE THE SAG TO ALLOW WOMEN TO PARTICIPATE IN "MULTI-REGIONAL PROJECTS" IN THE U.S.

(B) IDENTIFY FEMALE FSO'S OR OTHER U.S. GOVERNMENT OFFICIALS WHO MIGHT BE INCLUDED IN OFFICIAL VISITS TO SAUDI ARABIA; CREATE OPPORTUNITIES FOR AMERICAN PROFESSIONAL WOMEN TO MEET WITH SAUDI JOURNALISTS, ACADEMICIANS, AND OFFICIALS OF BOTH SEXES.

(C) RAISE WITH SAUDI AUTHORITIES, PERHAPS IN CONCERT WITH OTHERS IN THE FOREIGN DIPLOMATIC COMMUNITY, THE QUESTION OF ALLOWING WOMEN WITH DIPLOMATIC IMMUNITY TO DRIVE.

(D) SEEK OPPORTUNITIES TO RECOGNIZE THE ACHIEVEMENTS OF WOMEN IN SAUDI SOCIETY AND GOVERNMENT. ENLIST THE VOICE OF AMERICA OR USIA IN PREPARING FEATURE STORIES ON SUCH TOPICS, INCLUDING THE ACHIEVEMENTS OF SAUDI WOMEN CURRENTLY PURSUING COLLEGE OR OTHER PROFESSIONAL STUDIES IN THE U.S.  
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(E) MAKE REPRESENTATION TO APPROPRIATE SAUDI OFFICIALS TO SEEK A LIBERALIZED ATTITUDE TOWARD THE EMPLOYMENT OF FOREIGN WOMEN BY FOREIGN FIRMS.

(F) WITH ITS SMALL POPULATION AND AMBITIOUS DEVELOPMENT PROJECTS, SAUDI ARABIA IS FACED WITH AN ACUTE SHORTAGE OF TRAINED MANPOWER. ON THE NUMEROUS OCCASIONS WHEN WE DISCUSS MANPOWER PROBLEMS WITH THE SAUDIS WE SHOULD POINT OUT HOW INCREASING WORK OPPORTUNITIES FOR WOMEN COULD HELP TO ALLEVIATE THESE PROBLEMS.

AN ADDITIONAL ACTION WHICH SHOULD BE UNDERTAKEN IS THE OPENING OF A DIALOGUE WITH OFFICIALS OF THE MINISTRY OF JUSTICE AND WITH OTHER SAUDIS, BOTH IN THE PUBLIC AND IN THE PRIVATE SECTORS, WHO PLAY A ROLE IN THE ADMINISTRATION AND OPERATION OF THE JUDICIAL SYSTEM. THE OBJECTIVES OF THIS DIALOGUE ARE, FIRST, TO INSURE SAUDI UNDERSTANDING OUR INTEREST IN HUMAN RIGHTS MATTERS, AND, SECOND, TO IMPROVE OUR OWN KNOWLEDGE OF THE FUNCTIONING OF THE JUDICIAL SYSTEM AND ITS SAFEQUARDS FOR THE INDIVIDUAL.

WE DO NOT BELIEVE IT LIKELY THAT SAUDI ARABIA WILL DEPART FROM ITS BASIC ADHERANCE TO ACCEPTABLE HUMAN RIGHTS PRACTICES AND ATTITUDES TO BEGIN A PATTERN OF GROSS VIOLATIONS WHICH WOULD NECESSITATE INVOKING MORE EXTREME ACTIONS ON OUR PART.

SAUDI ARABIA IS NOT DEPENDENT ON THE UNITED STATES FOR

LOANS OR EX-IM BANK CREDITS. SECURITY ASSISTANCE IS THE ONE AREA IN WHICH THE SAUDI GOVERNMENT DOES DEPEND UPON THE UNITED STATES. IT WOULD BE COUNTER-PRODUCTIVE, HOWEVER, TO PRESSURE THE SAUDI ARABIAN GOVERNMENT BY EXPLOITING THIS DEPENDENCY. THE ILL-WILL GENERATED BY SUCH MEANS WOULD NOT IMPROVE THE STATUS OF EITHER NATIVE OR FOREIGN WOMEN IN SAUDI ARABIA AND WOULD RESULT IN A LOSS OF CONFIDENCE WHICH WOULD UNDERMINE THE GOOD RELATIONS  
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ENJOYED BY THE TWO GOVERNMENTS.

## 2. SAUDI REACTIONS

MOVES TO LIFT RESTRICTIONS UPON FOREIGN OR SAUDI WOMEN WILL BE ATTACKED BY RELIGIOUS LEADERS AND CONSERVATIVE ELEMENTS. THE IMPORTANCE OF THESE ELEMENTS IN SAUDI SOCIETY IS SUCH THAT THEY MAY IN THE SHORT RUN PREVENT ANY MEANINGFUL LIBERALIZATION. IN THE LONG RUN, HOWEVER, SAUDIS EDUCATED IN THE WEST WILL SUPPORT A MORE ACTIVE ROLE FOR SAUDI WOMEN, AND WILL BE PLEASED TO BE EXPOSED TO FOREIGN EXAMPLES TO EMULATE.

THE SAUDI ARABIAN GOVERNMENT HAS WELCOMED THE NEW EMPHASIS ON HUMAN RIGHTS IN AMERICAN FOREIGN POLICY. THE SAUDIS ARE PARTICULARLY HOPEFUL THAT THIS POLICY WILL RESULT IN INCREASED USG CONCERN FOR THE RIGHTS OF PALESTINIANS IN THE ISRAELI-OCCUPIED TERRITORIES. A GENUINE INTEREST IN HUMAN RIGHTS HAS BEEN DEMONSTRATED BY THE SAUDI ARABIAN GOVERNMENT ON THE INTERNATIONAL LEVEL, INCLUDING THE UNITED NATIONS.

## 3. U.S. INTERESTS IN SAUDI ARABIA

CLOSE U.S.-SAUDI COOPERATION HAS EXISTED SINCE THE END OF WORLD WAR II. IT NOW COVERS A WIDE RANGE OF SUBJECTS INCLUDING PETROLEUM AFFAIRS, ARMS TRANSFERS, COMMERCIAL INTERESTS, FINANCIAL COOPERATION, THE SEARCH FOR A SOLUTION TO THE ARAB-ISRAELI PROBLEM WHICH WOULD BRING PERMANENT PEACE TO THE AREA, AND COOPERATION TO DETER THE GROWTH OF COMMUNIST INFLUENCE IN THE REGION. THESE INTERESTS MAKE THE U.S.-SAUDI RELATIONSHIP OF GLOBAL AS WELL AS REGIONAL IMPORTANCE. U.S. ACTIONS RELATED TO HUMAN RIGHTS MUST BE CARRIED OUT WITH THESE BROAD INTERESTS IN MIND. SAUDIS ARE INTENSELY PROUD OF THEIR TRADITIONS, AND BELIEVE THAT THEIR JUDICIAL SYSTEM  
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ADMINISTERS GOD'S OWN LAW AS MADE KNOWN THROUGH DIVINE REVELATION. AN OVERLY-AGGRESSIVE CAMPAIGN DIRECTED AT

THOSE PRACTICES WHICH DO NOT CONFORM TO CURRENT AMERICAN STANDARDS COULD STIMULATE A CRITICAL COUNTER-REACTION WHICH COULD ADVERSELY AFFECT THE FABRIC OF OUR OVERALL RELATIONSHIP, RESULTING IN A GENERAL DIMINUTION OF THE WILLINGNESS TO SUPPORT AMERICAN POLICIES IN OTHER INTERNATIONAL FORA. IN THE FINAL ANALYSIS, IT IS THE EXPOSURE OF SAUDI SOCIETY TO AMERICAN AND OTHER WESTERN SOCIAL PRACTICES, AND THE INCREASING INTEGRATION OF THE KINGDOM INTO THE WESTERN INDUSTRIAL COMPLEX WHICH PROVIDES THE MOST EFFECTIVE FORCE FOR INTERNAL CHANGE, END TEXT.

3. GOVERNOR WEST HAS SEEN. MR. WILEY WILL HAVE OPPORTUNITY REVIEW YOUR REPLY NEXT WEEK. VANCE

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